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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BUI, LUAN KIM

ART UNIT PAPER NUMBER

3728

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/708,007	Applicant(s) WEISS, STEPHEN W.	
	Examiner Luan K Bui	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-13 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 6-8, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 16, the phrase “a fourth securement device” is incomplete and indefinite because where are the first, second and third securement device?

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (4,549,589) in view of Diegelman (4,601,318). Nguyen discloses a camera carrier (1) comprising at least one receptacle forming member (4) including a first member (front and sides) and a second member (back) coupled together, the receptacle member at least partially defining an open top chamber, a strap/attachment system (claim 6) operably associated with the receptacle member and adapted to releasably mount the receptacle forming to a person, a generally upwardly facing camera stop (7) positioned adjacent an upper edge of the receptacle forming member and operable to limit movement of a camera lens into the chamber and a retainer (19) operable to releasably retain a camera mounted to a portion of the camera carrier. Nguyen also

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discloses the other limitations of the claims. To the extent that Nguyen fails to show the attachment system being provided so a longitudinal axis of the camera lens pointing generally downwardly, Diegelman shows a camera carrier (10) including at least one receptacle forming member and an attachment system (76, 78) operably associated with the receptacle member to allow a longitudinal axis of a camera lens pointing generally downwardly. It would have been obvious to one having ordinary skill in the art in view of Diegelman to modify the attachment system of Nguyen so the attachment system is adapted to allow the longitudinal axis of a camera lens pointing generally downwardly to facilitate carrying the camera.

5. Claims 3-5, 9-13 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 1 and 2 above, and further in view of Rowell et al. (5,172,838; hereinafter Rowell'838). Nguyen further fails to show the attachment system comprises at least one first securement device being secured to the second member and operable to mount the first and second members to the attachment system. Rowell'838 suggests a camera carrier (10) comprising at least one receptacle forming member (14) including a first member (22, 24, 28) and a second member (26) coupled together, the receptacle member at least partially defining an open top chamber, an attachment system (18, 30, 32) operably associated with the receptacle member and adapted to releasably mount the receptacle forming to a person. The attachment system including at least one first securement device (54) secured to the second member (26) and operable to mount the first and second members to the attachment system. The attachment system further includes a buckle assembly (34). It would have been obvious to one having ordinary skill in the art in view of Rowell'838 to modify the carrier of Nguyen as

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modified so the attachment system comprises at least one first securement device secured to the second member and operable to mount the first and second members to the attachment system for better securing the attachment system to the receptacle member and for better protecting the camera. As to claims 9 and 10, Rowell'838 suggests the retainer includes a lid/strap (16) comprises an intermediate portion positioned over the open top end of the chamber and a second securement device (62, 64).

Allowable Subject Matter

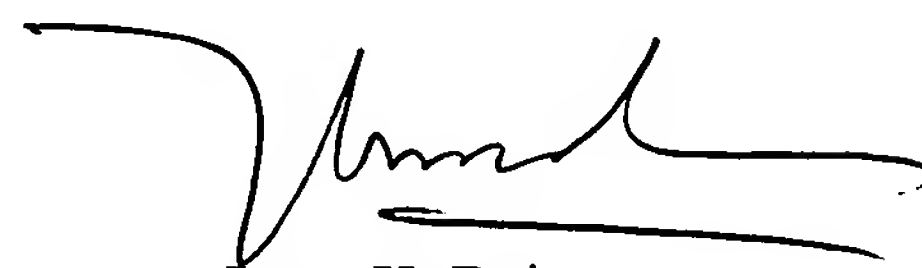
6. Claims 6-8 and 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (571) 272-4552. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Ms. Marilyn Watts at (571) 272-4398.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 306-5648. Facsimile correspondence for this application should be sent to (703) 872-9306 for Formal papers and After Final communications.

lkb
December 10, 2004



Luan K. Bui
Primary Examiner